

Appendix A

NOTICE OF VIOLATION

This refers to the inspection conducted by representatives of the Region III (Chicago) Office at the Davis-Besse Nuclear Power Station Oak Harbor, Ohio, of activities authorized by NRC License No. NPF-3.

During this inspection conducted on April 21-24, and May 2 and 6-8, 1980, the following apparent items of noncompliance were identified. Item 2 is a violation; Items 1 and 3 are infractions.

1. 10 CFR 20.101(b) requires that during any calendar quarter, the dose to the whole body of any individual working in a restricted area not exceed 3 rems.

Contrary to this requirement, during the second calendar quarter of 1980 a senior chem and rad tester received a dose exceeding 3 rems when on April 30, 1980, he entered the normal sump tunnel leading to the cavity beneath the reactor vessel while the incores were in the withdrawn position beneath the vessel. His TLD indicated a dose of 4.70 rems. A TLD worn earlier in the calendar quarter indicated a dose of 0.055 rems.

This is an infraction.
(Civil Penalty-\$4000)

2. 10 CFR 20.201(b) requires that surveys be made as may be necessary to comply with 10 CFR 20 regulations. One of these regulations, 20.101(b), sets dose limits for individuals in a restricted area.

Contrary to the above, exposure rate evaluations made by the senior chem and rad tester during the April 30, 1980, entry to the normal sump tunnel leading to the cavity beneath the reactor vessel were not adequate to ensure that dose limits of 10 CFR 20.101(b) would not be exceeded.

This violation resulted in an overexposure to radiation and had the potential for causing a substantial radiation overexposure.

(Civil Penalty-\$5000)

3. Technical Specification 6.8.1.a requires implementation of procedures contained in Appendix A of Regulatory Guide 1.33, November, 1972, which includes radiation protection procedures. Procedure HP 1601.05.1, Section 6.3.4, titled "Job Planning and Preparation" states, "A major portion of the occupational radiation dose is received during maintenance inspection, refueling, and non-routine operations. The following actions should be carried out if applicable:7. Minimize personnel radiation exposures by planning for access to and exit from work areas...."

Contrary to the above, regarding the entry to the reactor cavity on April 30, 1980, proper planning for access to and exit from the work area to minimize personal radiation exposures was not evident, in that neither the assistant shift supervisor nor the senior chem and rad tester reviewed the previously conducted limited survey of the area which was recorded and on file nor were either aware of the construction of a temporary door in the wrong location in the normal sump tunnel, although the construction error had been noted in the Health Physics Log.

This is an infraction.
(Civil Penalty-\$4000)

This notice of violation is sent to Toledo Edison Company pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. You are hereby required to submit to this office, within twenty-five days of the date of this notice, a written statement or explanation in reply, including for each item of noncompliance: (1) admission or denial of the alleged items of noncompliance; (2) the reasons for the items of noncompliance, if admitted; (3) the corrective steps which have been taken by you and the results achieved; (4) corrective steps which will be taken to avoid further noncompliance; and (5) the date when full compliance will be achieved.

Appendix B

NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Toledo Edison Company

Docket No. 50-346

This Office has considered the enforcement options available to the NRC, including administrative actions in the form of written notices of violation, civil monetary penalties, and orders pertaining to the modification, suspension, or revocation of a license. Based on these considerations we propose to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and to 10 CFR 2.205, in the cumulative amount of Thirteen Thousand Dollars (\$13,000) for the specific items of noncompliance set forth in Appendix A to the cover letter. In proposing to impose civil penalties pursuant to this section of the Act and in fixing the proposed amount of the penalties, the factors identified in the statements of consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971 and the "Criteria for Determining Enforcement Action," which was sent to NRC licensees on December 31, 1974, have been taken into account.

Toledo Edison Company may, within twenty-five days of the date of this notice, pay the total civil penalties in the cumulative amount of Thirteen Thousand Dollars (\$13,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Toledo Edison Company fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Toledo Edison Company elect to file an answer protesting the civil penalties, such answer may (a) deny the items of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, or (d) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from your statement or explanation in reply pursuant to 10 CFR 2.201, but you may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Toledo Edison Company's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular: failure to answer and ensuing orders; answer, consideration by this office, and orders; request for hearings, hearings, and ensuing orders; compromise; and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Atomic Energy Act of 1954, as amended, (42 USC 2282).

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